

REMARKS

The final Office Action mailed November 5, 2009 has been reviewed and these remarks are responsive thereto. Claims 1-10 and 31-41 were presented for examination. Claims 32 and 41 are withdrawn from consideration. Applicants have amended claim 1. Claim 2 has been canceled. No new matter has been added. Support for the amendments can be found at least on page 16 of the present application.

Claim Rejections Under 35 U.S.C. § 103(a)

A. Claims 1-10, 31, and 33-40

The current Office Action rejects claims 1-10, 31, 33-40 under 35 U.S.C. § 103(a) as being unpatentable over Iliff, U.S. Patent No. 5,594,638 (hereinafter “Iliff”) in view of Ohayon et al., U.S. Patent No. 4,712,562 (hereinafter “Ohayon”), further in view of Brown, U.S. Publication Number 2003/0069753 (hereinafter “Brown”). For the reasons stated below, Applicants respectfully traverse the rejections of claim 1, 3-10, 31, and 33-40 under 35 U.S.C. § 103(a) over Iliff in view of Ohayon and in further view of Brown.

Claim 1, as amended, includes “if the answer satisfies the condition, search a datastore accessible by the remote computer for textual phrases that match the question and automatically generate a clinical note containing the textual phrases for review by the health care professional.” The Examiner admits that neither Iliff nor Brown teach or discuss the concept of generating a clinical note. Instead, the Examiner cites to Ohayon as teaching this concept at column 4, lines 14-34. In contrast to amended claim 1, Ohayon does not search a datastore for textual phrases that match the question and automatically generate a clinical note containing the textual phrases. Ohayon simply teaches that the patient’s blood pressure information and analysis could be generated in a hard copy format. As such, claim 1 is allowable over the prior art of record. Claims 3-10 are dependant on allowable claim 1 and are now allowable for at least the same reasons. Applicants respectfully request reconsideration and withdrawal of the rejection.

Claim 31 includes “automatically create... an entry in an intervention data field for the person, the entry describing a treatment to counteract a symptom experienced by the person.”

The Examiner cites to Iliff column 55, lines 33-55, and column 65, lines 20-30 as teaching this limitation. The Applicants respectfully disagree. Column 55, lines 33-55 simply state that there is a lookup table having diagnosis on one side and treatment on the other. This portion says nothing about automatically creating an entry in a data field describing a treatment. In fact, this portion teaches away from such a feature because the treatment is already listed in the table (not automatically created). The other portion cited is also silent with regard to this feature. If anything, the other portion again teaches away from the feature in that a programmer must author a file and that the user must input responses. This is not automatically creating an entry in a data field describing a treatment. Thus, for at least these reasons, claim 31 is allowable over the prior art of record. Claims 33-40 are dependant on allowable claim 1 and are now allowable for at least the same reasons. Applicants respectfully request reconsideration and withdrawal of the rejection.

Conclusion

In view of the foregoing remarks, Applicants respectfully submit that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Additionally, the Commissioner is hereby authorized to charge any additional fees as set forth in §§ 38 CFR 1.16 to 1.18 which may be required for entry of these papers or to credit any overpayment to Deposit Account No. 50-1212, under Order No. CARD.P0006US from which the undersigned is authorized to draw.

Application No. 10/788,900
Amendment dated May 4, 2010
After Final Office Action of November 5, 2009

Docket No.: CARD.P0006US

Dated: May 4, 2010

Respectfully submitted,

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